

REMARKS

The Office Action mailed on September 28, 2004, has been reviewed and the comments of the Patent and Trademark Office have been considered. Prior to this paper, claims 1-4, 6-13, 15-17, 23-24, and 29 were pending, with claims 9-13, 15, 16, 23-24, and 29 under current consideration on the merits (claims 1-4, 6-8 and 17 are currently withdrawn). By this paper, Applicants do not cancel or add any claims. Therefore, claims 1-4, 6-13, 15-17, 23-24 and 29 remain pending in the present application.

Applicants respectfully submit that the present application is in condition for allowance for the reasons that follow.

Interview of December 21, 2004

Applicants thank Examiner Culbreth for extending the courtesy of an in-person interview to Applicants' representative on December 21, 2004, where it was agreed that the recitation in claim 9 that the thin wall is free from mounting with the suspension link bracket distinguishes this claim, and its dependent claims, from the subject matter of Japan 61-291272.

✓ In view of the Personal Interview, Applicants submit that the Interview Summary (a ✓ copy of which is attached in Appendix I) provides a complete and proper recordation of the substance of the interview, per MPEP §713.04.

Applicants again sincerely thank Examiner Culbreth for extending the courtesy of the in-person interview.

Claim Objections

In the Office Action, claims 10-13 and 16 are objected to as containing informalities. Applicants have amended claims 10 and 16, as seen above, and respectfully request reconsideration in view of these amendments. The claims have not been narrowed.

Applicants thank Examiner Culbreth for offering suggested modifications to the claims to remove the objections.

Rejections Under 35 U.S.C. §112, Second Paragraph

In the Office Action, claims 9-13, 15-16, 23-24 and 29 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The pertinent claims have been amended, and Applicants respectfully request reconsideration in view of these amendments.

Claim Rejections Under 35 U.S.C. §103(a)

In the Office Action, claims 9-13, 15-16, 23-24 and 29 are rejected under 35 U.S.C. §103(a) as being unpatentable over Japan 61-291272 in view of Japan 6-99870. As noted in the interview of December 21, 2004, Applicants previously amended claim 9 to include the recitations of cancelled claim 14, and also to include the recitation that the suspension link bracket is mounted on a thick wall of at least one of the pair of side members in such a manner that a thin wall is free from mounting with the suspension link bracket. As can be clearly seen from Japan '272, and was agreed during the interview of December 21, 2004, the identified thick and thin walled portions of elements 1 and 2 are **both** mounted to respective brackets 7, since respective brackets 7 extend past both sides of elements 1 and 2. The Office Action has pointed to the brackets 7 of Japan '272 satisfies the recitation of a suspension link bracket, but even following that assertion, Japan '272 still does not teach each element of claim 9 because claim 9 recites that the thin wall is **free** from mounting with the suspension link bracket. Japan '272 does not disclose a thin wall to which a suspension link bracket is mounted.

Japan '870 does not remedy this deficiency of Japan '272. Furthermore, neither reference suggests such an element, and, in fact, by teaching that the thin wall is mounted to bracket 7, Japan '272 teaches away from the present invention. Therefore, neither the third requirement of MPEP § 2143, that "the prior art reference (or references when combined) must teach or suggest all the claim limitations," nor the first requirement of MPEP § 2143, that "there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings," can be satisfied by the cited references. Claim 9 and its dependencies are therefore allowable. Reconsideration of the claims is respectfully requested.

Conclusion

Applicants believe that the present application is in condition for allowance, and favorable reconsideration is requested.

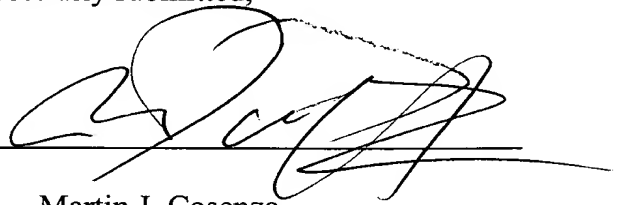
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Examiner Culbreth is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date October 27, 2004

By



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Interview Summary

DEC 28 2004

Application No.

09/826,804

Applicant(s)

TAKAGI ET AL.

Examiner

Eric D Culbreth

Art Unit

3616

All participants (applicant, applicant's representative, PTO personnel):

(1) Eric D Culbreth. (3) _____

(2) Mr. Martin Cosenza, applicant's attorney. (4) _____

Date of Interview: 21 December 2004.

Type: a) ☐ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____

Claim(s) discussed: 9.

Identification of prior art discussed: Japanese '272, Japanese '870.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: When claim 9 recites the thin wall is free from mounting with the suspension link bracket, this defines over Japanese '272 in which bracket 7 is on the outer thick wall and part is on the inner thin wall. Hence, the claims currently not withdrawn and pending currently define over the art of record.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Eric Culbreth
Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

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